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10/816,221	04/02/2004	Takayuki Nakamoto	43888-310	7325
<div>7590 09/16/2008 MCDERMOTT, WILL &amp; EMERY 600 13th Street, N.W. WASHINGTON, DC 20005-3096</div>				
<div>EXAMINER CHUO, TONY SHENG HSIANG</div>				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. The applicant argues that because Yamamoto et al teach improving the discharge capacity of an electrode mainly composed of carbon, Yamamoto et al do not suggest improving the capacity of an electrode wherein the active material is mainly composed of silicon as required by claims 1, 6, and 9. The examiner disagrees because the Yamamoto reference teaches forming a silicon oxide film "5b" on a second anode layer "3b" that comprises silicon or silicon alloy (See paragraphs [0100],[0101]). It also teaches that the oxide "5b" on the second anode layer "3b" was effective for reducing a hydrofluoric acid level in the electrolyte (See paragraph [0111]). Therefore, the problem that is solved in the Yamamoto reference would also be expected to improve the Tarui battery. As stated in the previous office action, Table 4 of Yamamoto shows that the addition of a silicon oxide film results in an improvement in the discharge capacity of the battery. In addition, there is no evidence to show that the Tarui battery as modified by Yamamoto would not result in the same improvements in discharge capacity, Q value, and internal resistance.

TC

/Jonathan Crepeau/  
Primary Examiner, Art Unit 1795